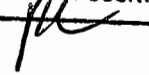


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No.5:18-CV-17-FL

FILED

APR 16 2018

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

TIMOTHY DANEHY
Plaintiff,

v.

EXPERIAN INFORMATION
SOLUTIONS, INC.; TRANS UNION
LLC, EQUIFAX, INC.,

Defendants.

PLAINTIFF'S MOTION AND
MEMORANDUM IN SUPPORT FOR
LEAVE TO FILE 1ST AMENDED
COMPLAINT

Plaintiff requests leave of the court to file his first amended complaint to add an additional party and clarify claims made. In regards to Defendant's positions on this motion Experian does not oppose the motion, Trans Union opposes the motion and Equifax does not object to the motion.

A. Introduction

1. Plaintiff is Timothy Danehy; Defendants are Experian Information Solutions, Inc. (Experian), Equifax, Inc. (Equifax) and Trans Union LLC (Trans Union).
2. Plaintiff sued Defendants for violation of the FCRA.
3. Defendants Experian and Equifax have filed an Answer while Trans Union filed a Motion to Dismiss which is pending before the court.

B. Argument

4. Unless the opposing party can show prejudice, bad faith, or undue delay, a court should grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 230(1962). Leave to amend should be freely given when justice so requires Fed. R. Civ. P. 15 (a); *Walton v. Mental Health Ass'n*, 168 F.3d 661, 665, (3d Cir. 1999).
6. The Court should allow the filing of Plaintiffs' amended pleading because it properly corrects deficiencies in Plaintiff's Original Complaint and allows a necessary party to be added to this action.
7. Defendants will not be prejudiced by Plaintiffs' amended pleading.
8. Plaintiff is attaching his amended pleading to this motion.

C. Conclusion

9. The Plaintiff has amended his Original Complaint to clarify issues presented and to add a necessary additional party to this action. Plaintiff requests the Court grant leave to file the Amended Complaint.

This 16th day of April 2018.

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

I, Timothy Danehy, certify that I have this day served the Defendant's through counsel with a copy of the foregoing document by depositing with the United States Postal Service a copy of the same in a properly addressed envelope with adequate postage applied addressed to the following:

Counsel for defendant Experian information solutions, Inc.

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